THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11217 of 2007

Dated:06.07.2007

Between:

J.Venkat Swamy, S/o.J.Bhoomaiah,
and others.

…Petitioners

and

The District Collector, Nellore, and another.

…Respondents.

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ORDER:

The petitioners herein statedly purchased land in plot Nos.14, 14 part, 15, 15 part, 16 and 17 in Survey Nos.66 and 67 situated at Ferozguda Village of Balanagar Mandal in Ranga Reddy District from Mohd.Abdul Rahman, who is allegedly pattadar, under registered sale deeds. They also allege that they are in possession of the said plots from the date of purchase in 2006. On 22.05.2007, the second respondent allegedly went to the spot and tried to dispossess the petitioners by demolishing the houses and structures raised by the petitioners, and therefore, they filed the instant Writ Petition seeking a writ of mandamus declaring the action of the second respondent as illegal and arbitrary, and for a consequential direction.

After getting instructions, the learned Assistant Government Pleader for Revenue (General-T) submits that the land in Survey Nos.66 and 67 was acquired for BHEL (Roads and Buildings Division) long back and the property is covered by a compound wall. He also submits that the land in Survey No.69 is a Government land and the petitioners made attempts to encroach upon the Government land as well as the land in Survey Nos.66 and 67 by breaking the compound wall of BHEL, and they were prevented from doing so.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader, this Court is convinced that there is a serious dispute as to title of the petitioners to the land in Survey Nos.66 and 67. Therefore, their remedy is to approach the civil

Court and seek a declaration. In this Writ Petition the question of title cannot be gone into.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

06.07.2007
vs